

GAHC010112732024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2019/2024

ON THE DEATH OF CHAMPA LAL ROY HIS LEGAL HEIRS SHIBANI ROY
AND ORS

S/O- PRANESH RANJAN ROY, R/O- TILOK CHAND ROAD, KARIMGANJ
TOWN, P.O., P.S. AND DIST.- KARIMGANJ, ASSAM.

1.1: SHIBANI ROY

W/O- LATE CHAMPA LAL ROY
R/O- TILAK CHAND ROAD
KARIMGANJ TOWN
P.O.
P.S. AND DIST.- KARIMGANJ
ASSAM

1.2: SHIRSHENDU ROY

S/O- LATE CHAMPA LAL ROY
R/O- TILAK CHAND ROAD
KARIMGANJ TOWN
P.O.
P.S. AND DIST.- KARIMGANJ
ASSAM

1.3: SIMKI ROY

D/O- LATE CHAMPA LAL ROY
W/O DIPAYAN CHANDA
R/O- ROY NAGAR (GHAT LINE)(KARIMGANJ TOWN
P.O.
P.S. AND DIST.- KARIMGANJ
ASSA

VERSUS

CHANDAN KUMAR ROY,
S/O- LATE PRANESH RANJAN ROY, R/O- NILAMONI ROAD, KARIMGANJ
TOWN, P.O., P.S. AND DIST.- KARIMGANJ, ASSAM

Advocate for the Petitioner : MR. P K ROY, MR. S K CHAKRABORTY, MRS. A
CHAKRABORTY, MS. M DUTTA

Advocate for the Respondent : MR. D MOZUMDER, MR. P BORAH

Linked Case : RSA/40/2021

CHAMPA LAL ROY
S/O- PRANESH RANJAN ROY
R/O- TILOK CHAND ROAD
KARIMGANJ TOWN
P.O.
P.S. AND DIST.- KARIMGANJ
ASSAM.

VERSUS

CHANDAN KUMAR ROY
S/O- LATE PRANESH RANJAN ROY
R/O- NILAMONI ROAD
KARIMGANJ TOWN
P.O.
P.S. AND DIST.- KARIMGANJ
ASSAM

Advocate for : MR. P K ROY
Advocate for : MR. P BORAH appearing for CHANDAN KUMAR ROY

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 12.08.2024

Heard Mr. S. K. Chakraborty, learned counsel for the applicant.

Also heard Mr. D. Mozumder, learned counsel appearing on behalf of Mr. T. Borah, learned counsel for the sole respondent.

This application under Order 22 Rule 3 of the Code of Civil Procedure, 1908, praying for substitution of the legal representatives of the sole appellant who expired on 02.04.2024.

The learned counsel for the appellant has submitted that the application has been made within a period of limitation and the legal heirs of the sole appellant Late Champa Lal Roy namely, 1(a) Shibani Roy, 1(b) Shirshendu Roy and 1 (c) Simki Roy may be substituted in place of the appellant in this appeal.

Learned counsel for the respondent does not oppose the prayer of the applicant.

In view of the above, the Interlocutory Application to substitute the name of the legal representatives of the deceased appellant, namely, 1(a) Shibani Roy, 1(b) Shirshendu Roy and 1(c) Simki Roy in place of the deceased appellant in the Memo of Appeal and again list the matter after a period of one week.

It appeal that in this case, Trial Court has already been received.

Therefore, Registry is directed to list the matter for hearing after making correction in the Memo of Appeal in pursuant to the directions of this matter.

List accordingly.

JUDGE

Comparing Assistant